

JL

MEMO ENDORSED

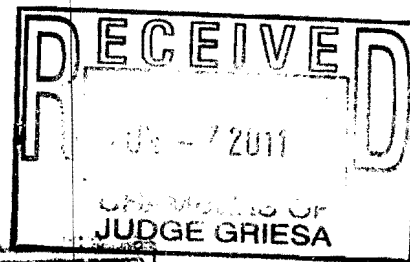
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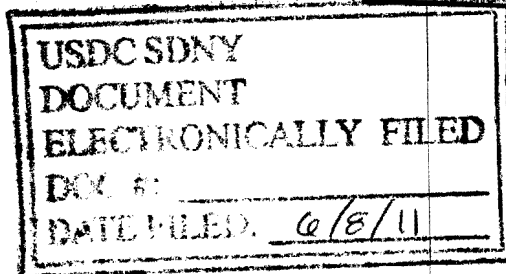
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June 7, 2011



BY HAND

The Honorable Thomas P. Griesa
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312



Re: *Younger v. Zurich American Ins. Co. et al.*,
11 Civ.1173 (TPG)

Dear Judge Griesa:

Doc # 14 My Firm represents defendant Zurich Life Insurance Company, Ltd. ("ZLIC") in the above-referenced action. As the Court may be aware, plaintiff filed an Amended Complaint on May 26 that did not name ZLIC as a defendant in the amended pleading and thus, in effect, dismissed its prior claims against ZLIC. As a result, ZLIC's motion to dismiss the Complaint that was filed on May 5, 2011 is now moot. ZLIC, therefore, respectfully requests that the Court endorse this letter so as to permit ZLIC to withdraw its motion to dismiss without prejudice to renewing it should plaintiff subsequently attempt to reinstitute claims against ZLIC in this matter in the future. We have conferred with counsel for plaintiff and can confirm that they do not object to this request.

Respectfully Submitted,

William A. Maher

cc: Counsel of Record (via email)

Dated: 6/8/11

So Ordered:

Hon. Thomas P. Griesa U.S.D.J.

by JL